

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRADEN CHARLES LOSING,

Defendant.

CR 20-08-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings and Recommendation Regarding Revocation of Supervised Release. (Doc. 68.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Losing's admissions at the hearing, that he violated one condition of his supervised release—failure to notify the probation officer at least ten days prior to any change in residence (Standard Condition 5).

(Docs. 56 at 1–2; 68 at 3.) Judge Cavan recommends that this Court revoke Mr. Losing’s supervised release and sentence him to a custodial sentence of time served, followed by 35 months of supervised release. (Doc. 68 at 5.) The Court finds no clear error in Judge Cavan’s Findings and Recommendation and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan’s Findings and Recommendation (Doc. 68) is ADOPTED in full. Mr. Losing shall be sentenced in conformity with Judge Cavan’s recommendation in the judgment filed concurrently with this Order.

DATED this 12th day of October, 2023.



Dana L. Christensen
Dana L. Christensen, District Judge
United States District Court